

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: MATTIE MAE FAULKNER	:	Chapter 13
	:	
Debtor.	:	Bky. No. 17-10660 ELF
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MATTIE MAE FAULKNER,	:	
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
M&T Bank,	:	Adv. No. 17-276
	:	
Defendant.	:	
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O R D E R

AND NOW, upon consideration of the Defendants Motion to Dismiss the Amended Complaint (“the Motion”), and for the reasons stated in the accompanying Memorandum,

It is hereby **ORDERED** that:

1. The Motion is **GRANTED IN PART AND DENIED IN PART**.
2. The Motion is **GRANTED** as to **Count II** and **Count III**.
3. **Count II** and **Count III** are **DISMISSED**.
4. The Motion is **GRANTED IN PART AND DENIED IN PART** as to **Count VI**, as

follows:

- a. The Motion is **GRANTED** and **Count VI** is **DISMISSED** without leave to amend insofar as it includes a request the entry of an affirmative judgment for damages.
- b. The Motion is **DENIED** insofar as **Count VI** seeks a partial disallowance of M&T’s proof of claim.

5. The Motion is **DENIED** as to **Count I, Count IV, Count V, Count VII** and **Count VIII**.
6. Defendant shall file an Answer to the Amended Complaint **on or before October 24, 2018**.
7. A pretrial conference is **SCHEDULED** on **October 31, 2018, at 10:00 a.m.**, in **Bankruptcy Courtroom No. 1, U.S. Bankruptcy Court, 900 Market Street, Philadelphia, PA** to discuss further pretrial management of this adversary proceeding.

Date: October 3, 2018

A handwritten signature in black ink, appearing to read 'ERL', written over a horizontal line.

ERIC L. FRANK
U.S. BANKRUPTCY JUDGE